

1 PHILLIP A. TALBERT  
2 United States Attorney  
3 CAMERON L. DESMOND  
4 DAVID SPENCER  
5 Assistant United States Attorneys  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

6 Attorneys for Plaintiff  
7 United States of America

8  
9 IN THE UNITED STATES DISTRICT COURT  
10  
11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,  
13 Plaintiff,  
14 v.  
15 JOSE ENCARNACION MAYO RODRIGUEZ,  
16 MARIA LUISA ESCAMILLA-LOPEZ,  
JUAN CHAVARRIA,  
JUAN RAMON LOPEZ,  
CHARLES JAMES BILLINGSLEY, JR.,  
17 Defendants.

CASE NO. 2:19-CR-0231-WBS  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
DATE: November 20, 2023  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

18  
19 STIPULATION

20 1. By previous order, this matter was set for status on November 20, 2023.  
21 2. By this stipulation, defendants now move to continue the status conference until  
22 **February 5, 2024, at 9:00 a.m.**, and to exclude time between November 20, 2023, and February 5,  
23 2024, under Local Codes T4, C, and R.

24 3. The parties agree and stipulate, and request that the Court find the following:  
25 a) The government has represented that the discovery associated with this case  
26 includes over 4400 pages of documents, including investigative reports, photographs, cell phone  
27 records, and other materials, as well as numerous audio and video recordings. All of this

1 discovery has been either produced directly to counsel and/or made available for inspection and  
2 copying.

3 b) Many of the events at issue in the case occurred in San Joaquin County, with  
4 additional matters occurring in Southern California and the San Francisco Bay Area. Defense  
5 investigation into the charged events can fairly be characterized as state-wide in scope.

6 c) During most of the period that this case has been pending national events related  
7 to the spread of COVID-19 occurred. Federal and state authorities issued directives designed to  
8 address the pandemic. These directives hampered the ability of the defense to conduct  
9 investigation as to potential defenses in this matter. Additional time is therefore required for  
10 defense investigation into matters charged in the Indictment.

11 d) On June 21, 2022, defendant Juan Chavarria was arrested in San Joaquin County  
12 for state firearms violations. He was later released pending trial. On July 22, 2022, Chavarria  
13 was arrested for attempted murder, in San Joaquin County, where he is being held without bail.  
14 *See ECF No. 228 (Pretrial Services Violation Petition).*

15 e) Counsel for defendants desire additional time to conduct factual investigation and  
16 legal research into potential defenses and trial and sentencing issues, to review the discovery, to  
17 consult with their clients, and to otherwise prepare for trial.

18 f) Counsel for defendants believe that failure to grant the above-requested  
19 continuance would deny them the reasonable time necessary for effective preparation, taking into  
20 account the exercise of due diligence.

21 g) The government does not object to the continuance.

22 h) Based on the above-stated findings, the ends of justice served by continuing the  
23 case as requested outweigh the interest of the public and the defendant in a trial within the  
24 original date prescribed by the Speedy Trial Act.

25 i) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
26 et seq., within which trial must commence, the time period of November 20, 2023 to February 5,  
27 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
28 T4] because it results from a continuance granted by the Court at defendant's request on the basis

1 of the Court's finding that the ends of justice served by taking such action outweigh the best  
2 interest of the public and the defendant in a speedy trial. In addition, the time period of June 21,  
3 2022, through the present, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(B) [Local  
4 Code C], and 18 U.S.C. § 3161(h)(6) [Local Code R], because the period of delay results from  
5 defendant Chavarria facing other charges in San Joaquin County. *See United States v. Lopez-*  
6 *Espindola*, 632 F.2d 107 (9th Cir. 1980).

7 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
8 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
9 must commence.

10 IT IS SO STIPULATED.

11 Dated: November 15, 2023

12 PHILLIP A. TALBERT  
United States Attorney

13 /s/ DAVID W. SPENCER  
14 DAVID W. SPENCER  
15 Assistant United States Attorney

16 Dated: November 15, 2023

17 /s/ Todd D. Leras  
18 TODD D. LERAS  
19 Law Office of Todd D. Leras  
20 *Attorney for defendant Jose Encarnacion*  
21 *Mayo Rodriguez*

22 Dated: November 15, 2023

23 /s/ Dina Lee Santos  
24 DINAH LEE SANTOS  
25 Law Offices of Dina L. Santos  
26 *Attorney for defendant Maria Luisa Escamilla-*  
27 *Lopez*

28 Dated: November 15, 2023

29 /s/ Clemente Jimenez  
30 CLEMENTE JIMENEZ  
31 Law Office of Clemente M. Jimenez  
32 *Attorney for defendant Juan Chavarria*

1 Dated: November 15, 2023

/s/ Phillip Cozens

PHILLIP COZENS

Phillip Cozens, Attorney-at-Law

Attorney for defendant Juan Ramon Lopez

4 Dated: November 15, 2023

/s/ Johnny L. Griffin, III

JOHNNY L. GRIFFIN, III

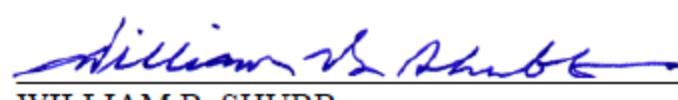
Law Offices of Johnny L. Griffin, III

Attorney for defendant Charles J. Billingsley, Jr.

9 **FINDINGS AND ORDER**

10 IT IS SO FOUND AND ORDERED.

12 Dated: November 15, 2023

  
13 WILLIAM B. SHUBB  
14 UNITED STATES DISTRICT JUDGE